

Application No. 10/781,736

**IN THE DRAWINGS:**

Please amend Figure 2 as illustrated in red on the attached photocopy. Figure 2 has been amended to correct the reference numerals for the screw bolt hole and the anti-water rim and to add reference numeral --D4--.

## **REMARKS**

### **Revocation of Power of Attorney**

Applicant is enclosing herewith a Revocation of Power of Attorney and Appointment of New Attorney naming BRUCE H. TROXELL as attorney of record in this patent application. It is requested that all further correspondence regarding this matter be forwarded to TROXELL LAW OFFICE PLLC at the address listed on the enclosed form. A CHANGE OF ADDRESS FORM is also being submitted herewith.

### **Claim Rejections**

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph. Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Budnovitch et al. (U.S. 5,477,441).

### **Drawings**

Applicant proposed to amend Figure 2, as illustrated in red on the attached photocopy. In Figure 2 it is proposed to correct the reference numerals for the screw bolt hole and the anti-water rim, and add reference numeral --D4--. No "new matter" has been added to the original disclosure by the proposed amendments to this figure. Approval of the proposed drawing changes is respectfully requested.

### **New Claims**

By this Amendment, Applicant has canceled claim 1 and has added new claims 2-7 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward an outdoor water tight lamp comprising: an upper cap (B) having an upper cap sealing rim (B2) having: an exterior sloped surface (B21) protruding outwardly from an outer periphery thereof; an upper cap joint surface (B23) located around an inner periphery thereof; and a convex portion

(B22) located between the exterior sloped surface and the upper cap joint surface; a lower cap (C) having an lower cap sealing rim (C2) having a lower cap joint surface (C21) located around an inner periphery thereof and engaging the upper cap joint surface and creating a water tight seal there between; and a lamp base (D) connected to the upper cap and the lower cap and located there between.

Other embodiments of the present invention include: the lamp base is connected to the upper cap and the lower cap by a plurality of screws (D1-D3), a plurality of nuts (E1-E4), and at least one seal (F); the upper cap joint surface is a multi-step structure; the lower cap joint surface is a multi-step structure; the upper cap has an upper cap screw bolt hole (B1) in a center thereof, the lower cap has an lower cap screw bolt hole in a center thereof (C1); and the lamp base is connected to the upper cap screw bolt hole and the lower cap screw bolt hole by a plurality of screws, a plurality of nuts, and at least one seal.

The cited reference to Budnovitch et al. teaches a light fixture having a luminaire assembly (16) having a body (28) and a lens (30) connected by a mourning ring (32). An electrical socket (60) is connected to an interior surface of the body (28).

Budnovitch et al. does not teach an upper cap sealing rim having exterior sloped surface, an upper cap joint surface and a convex portion; the exterior sloped surface protruding outwardly from an outer periphery thereof; the convex portion located between the exterior sloped surface and the upper cap joint surface; a lower cap having an lower cap sealing rim having a lower cap joint surface located around an inner periphery thereof and engaging the upper cap joint surface and creating a water tight seal there between; a lamp base connected to the upper cap and the lower cap and located there between; the lamp base is connected to the upper cap and the lower cap by a plurality of screws, a plurality of nuts, and at least one seal; the upper cap joint surface is a multi-step structure; the lower cap joint surface is a multi-step structure; the upper cap has an upper cap screw bolt hole in a center thereof, the lower cap has an lower cap screw bolt hole in a center thereof; nor does Budnovitch et al. teach the lamp base is connected to the upper cap screw bolt hole and the lower cap screw bolt hole by a plurality of screws, a plurality of nuts, and at least one seal.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Budnovitch et al. do not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Budnovitch et al. cannot be said to anticipate any of Applicant's new claims under 35 U.S.C. § 102.

It is further submitted that Budnovitch et al. do not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Budnovitch et al. render obvious any of Applicant's new claims under 35 U.S.C. § 103.

#### **Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

Date: November 21, 2005

By:

  
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